

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.561 of 2018

Arising Out of PS.Case No. -713 Year- 2017 Thana -PIRBAHOR District- PATNA

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Dr. Nilamber Kumar Singh, Son of Sri Sachidanand Singh, Resident of
Type-4 Quarter, Flat No.01 G, P.O.-Mahendru, P.S.-Pirbahore, NIT Patna
Campur, District-Patna.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.Y.V.Giri, Sri.Adv.
: Mr. Sanjay Kumar , Adv.
For the Respondent/s : Mr. Binay Krishna, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 26-02-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Special Judge, SC/ST-cum-Addl. Sessions Judge-V-Patna in connection with Pirbahore P.S.Case No. 713 of 2017 registered under Sections 341,323,504 of the Indian Penal Code as well as under Sections 3(1)(s)of the Scheduled Castes and Scheduled Tribes Act.

The informant is an Assistant Professor in the same Technical Institute, where the appellant is also a Professor. The FIR would reveal that abrupt allegation against the appellant is that he abused the informant by



taking caste name and assaulted him.

Submission of the learned counsel for the appellant is that no reason is disclosed in the FIR, as to why the appellant committed such act against a colleague nor there is such criminal antecedent against the appellant, who is holding a very responsible post, that he is in habit of humiliating the members of a particular community. Further submission is that for some trivial dispute, the false case has been lodged.

Since there is no specific averment that the appellant had knowledge of the caste identity of the informant and he was intending to humiliate a member of the scheduled caste and scheduled tribe, the bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not attracted.

Hence, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that



the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

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